IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4758 OF 2004

Swapnil Manohar Hajare ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri P.K. Khakephalkar with J.S. Desai for Applicant.
Shri D.R. More, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 04.11.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. The learned APP fairly accepts that except the extra judicial confession, there is no material on record to implicate the applicant. I find substance in the argument canvassed on behalf of the applicant that as the injured was acquianted with the applicant there is no reasons not to identify the applicant as one of the assailant. Besides, it is seen that even the court below has accepted the argument canvassed on behalf of the applicant that evidence in the nature of extra judicial confession is not sufficient but still proceed to reject the bail application on the

reasoning that the applicant had planned to committ ghastly crime but the victim survived the injury. Taking overall view of the matter, in my opinion, as the investigation is complete and chargesheet has been filed, the applicant can be granted bail on imposing strict conditions in the following terms :-

i. The applicant is enlarged on bail in connection with C.R. No.I-196/2004 registered with Kapurbawadi Police Station, Thane on executing personal bond in the sum of Rs.50,000/- (Rs. Fifty thousand only) with one or two local sureties in the like amount.

ii. The applicant shall not enter the City of Thane during the pendency of the trial.

iii. The applicant shall inform his place of residence where he intends to reside within one week from the date of his release on bail, to the investigating officer as well to the trial court.

iv. The applicant shall regularly attend the

nearest police station to his residence, once in a month on first Saturday between 10 a.m. to 1 p.m..

v. The applicant shall co-operate for early disposal of the trial. If the trial court is of the opinion that the applicant is unnecessarily delaying the trial, that fact be recorded in the Rozanama, which can be a ground for cancellation of the bail.

vi. The applicant shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

3. Order accordingly.

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